

11-11-07

AUG 3 - 2007

FCC 07M-27

06490

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of) WT Docket No. 07-108
)
JACK R. SHARPLES) FCC File No. 0002185605
)
Application for New License in the)
Amateur Radio Service)

ORDER OF DISMISSAL AND TERMINATION

Issued: August 1, 2007

Released: August 2, 2007

1. This is a ruling on Enforcement Bureau's Motion to Dismiss Application with Prejudice and Terminate Hearing filed on July 13, 2007.¹ There has been no Opposition filed by applicant Jack R. Sharples ("Sharples"). An opposing pleading was due to be filed by Mr. Sharples on or before July 23, 2007. 47 C.F.R. Sec. 1.294 (C) (3). No such pleading has been filed and it is now timely to rule on the Bureau's motion.

2. This case was designated for hearing by *Hearing Designation Order* DA 07-2183, released May 24, 2007 (*HDO*), issued under delegated authority by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau. The issues seek to determine the effect that felony convictions have on the qualifications of Mr. Sharples to receive and hold a Commission license in the Amateur Radio Service, and in light of all the evidence adduced at hearing, whether the captioned application filed by Jack R. Sharples should be granted.

3. A copy of the *HDO* was timely mailed to Mr. Sharples on May 24, 2007. A summary of the *HDO* was published in the *Federal Register* (72 FR 32665) on June 13, 2007. A Notice of Appearance was required to be filed within 20 days of mailing of *HDO*, on or before June 13, 2007. 47 C.F.R. Sec. 1.221 (c). On June 19, 2007, Mr. Sharples submitted to the Presiding Judge a document in which he set forth reasons for filing an Application, notwithstanding his felony convictions. Since Mr. Sharples is proceeding *pro se* for lack of funds, the document was received as a good faith *Notice of Appearance*.

4. Thereafter, in an informal conference telephone call in which Bureau counsel participated, Mr. Sharples requested more time to consider whether he would continue to prosecute his Application. The request was granted without objection, and the Prehearing

¹ The Bureau's Motion was filed after a written request was received from Mr. Sharples dated June 27, 2007, stating: "In reference to the application that I applied for a New License in the Amateur Radio Service, I wish to withdraw my request." (Emphasis added.)

Conference set for June 26 was rescheduled for July 11, 2007. On June 27, 2007, Mr. Sharples sent by facsimile transmission, a document addressed to the Presiding Judge withdrawing his Application. *See* Fn.1, *supra*. Thereafter, the Prehearing Conference scheduled for July 11 was cancelled, and the Bureau was instructed to file an appropriate motion to terminate the proceeding. *See* Order FCC 07M-21, released July 3, 2007. On July 13, 2007, the Bureau complied with its motion to dismiss and terminate.

Rulings

IT IS ORDERED that the unopposed Enforcement Bureau's Motion to Dismiss Application With Prejudice and Terminate Proceeding IS GRANTED.

IT IS FURTHER ORDERED that the Application of Jack R. Sharples for a new license in the Amateur Radio Service (FCC File No. 0002185605) IS DISMISSED with prejudice.

IT IS FURTHER ORDERED that this Proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION²

A handwritten signature in black ink, appearing to read "Richard L. Sippel", is centered above the printed name.

Richard L. Sippel
Chief Administrative law Judge

² Courtesy copies of Order of Dismissal and Termination were e-mailed to Bureau counsel and faxed to Mr. Sharples on August 1, 2007.